IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 962 of 2007(M)

PETITIONER:

DR.M.G. RAJEEV, SENIOR VETERINARY SURGEON, VETERINARY POLYCLINIC, PLARIYARAM, KOTTAYAM DISTRICT, UNDER ORDER OF TRANSFER TO AVIAN DISEASE DIAGNOSTIC LAB, THIRUVALLA.

BY ADV. SRI.P.C.SASIDHARAN

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, AGRICULTURE AND ANIMAL HUSBANDRY DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR, ANIMAL HUSBANDRY DEPARTMENT, THIRUVANANTHAPURAM.

3. DR.LOVELY JOSEPH, SENIOR VETERNARY SURGEON, VETERNIARY HOSPITAL, VAKATHANAM, KOTTAYAM UNDER ORDER OF TRANSFER TO VETERINARY POLYCLINIC, PARIYARAM, KOTTAYAM.

R1 & R2 BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No.962 OF 2007

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Dated this the 9th January, 2007

J U D G M E N T

The challenge is to Ext. P2 order passed by the Government transferring officers in the cadre of Asst. Directors in the Animal Husbandry Department. It is seen that Ext. P2 has been passed while considering the proposals for the promotion of Veterinary Surgeons as Asst. Directors based on the select list published by the Government. Along with such promotions consequential transfers and postings also have been done. The petitioner, who belongs to the category of Senior Veterinary Surgeon which is an equated category to that of Asst. Director, stands transferred from the Veterinary Polyclinic, Pariyaram, Kottayam District to Avian Disease Diagnostic Lab, Thiruvalla as Asst. Director. The 3rd respondent appears to be the substitute posted in the place of the petitioner.

2. The point highlighted by the petitioner to sustain his challenge against Ext. P2 is that when proposals were called for, the petitioner had exercised option, but the Government while issuing Ext. P2 have

omitted to consider the option, rather not adverted to the option at all, while giving due consideration for options given by others similarly placed. It is stated that the post of Senior Veterinary Surgeon at District Veterinary Centre, Kottayam which is an opted place still remains as an open vacancy, and therefore, the petitioner's request can be considered without disturbing any other officer.

3. I have heard the Govt. Pleader for respondents 1 and 2.

4. I am of the opinion that the grievance of the petitioner against Ext. P2 has to be brought to the notice of the 1st respondent so that the 1st respondent will get an opportunity to consider his grievance pointedly addressing itself to the specific contention regarding the exercise of option as also the fact of one of the places opted by him remaining unfilled and the request to accommodate him, at least, in that post. It is open to the 1st respondent to re-consider Ext. P2 as far as the petitioner is concerned, if it is found that the petitioner has made out a case for such re-consideration.

5. The petitioner is free to submit appropriate representation before the 1st respondent. If he does so within one week from the date of receipt of a copy of the judgment, the same shall be considered by the 1st respondent and appropriate decision taken, as expeditiously as possible, preferably before filling up the vacancy of Senior Veterinary Surgeon at District Veterinary Centre, Kottayam.

The writ petition is disposed of with the above directions.

K.K. DENESAN
JUDGE

jan/